



815 Connecticut Avenue, N.W. , Suite 610
Washington, D.C. 20006

October 16, 2008

WT Docket No. 06-136

Office of the Secretary
Federal Communications Commission
The Portals
445 Twelfth Street, S.W.
12th Street Lobby, TW-A325
Washington, DC 20554

RE: Fixed Wireless Holdings, LLC
Transition of the 2500-2690 MHz Band for BRS and EBS
Transition Area: BTA Number 174: Greensboro-Winston/
Salem-High Point, NC

Dear Ms. Dortch:

On November 16, 2007, Fixed Wireless Holdings, LLC, a wholly-owned subsidiary of Clearwire Corporation (together "Clearwire"), filed its Transition Initiation Plan for BTA Number 174: Greensboro-Winston/Salem-High Point, NC. Clearwire included BTA 376: Roanoke, VA as part of the same Transition. Pursuant to the Commission's Rules, that Transition is supposed to be completed by October 17, 2008. Due to an event beyond Clearwire's control, Clearwire is filing the subject request for an additional two weeks in which to complete that Transition. A copy of this Request for Waiver is being served on the parties to that Transition.¹

Clearwire has been diligently working on completing this Transition since it was initiated. It obtained all of the information required under the Commission's Rules through research of the Commission's databases and through data provided by EBS licenses in response to Clearwire's Pre-Transition Data Request. On November 16, 2007, Clearwire filed its Transition Initiation Plan with the Commission and sent its Transition Notice to all of the licensees in the BTA, as required under the rules. Clearwire then prepared its Transition Plan and on March 16, 2007, Clearwire sent the Plan out to all 2.5 GHz licensees within the Greensboro-Winston/Salem-High Point, NC and Roanoke BTAs. Clearwire received no counter proposals. Under that Plan, pre-Transition facilities constructed pursuant to the authorization for BRS Station WGW371, Roanoke, Virginia were required to be shut down by June 15, 2007. BRS Station WGW371 is licensed to Unison Spectrum, LLC ("Unison") and leased to Digital Broadcast Corporation ("DBC") under a *de facto* transfer lease (Lease Identifier L000002558). Clearwire has taken all the necessary steps to complete the Transition for both the Greensboro-Winston/Salem-High Point, NC and Roanoke BTAs. However, Clearwire has recently performed a frequency scan to


¹ Since Fixed Wireless Holdings, LLC is a wholly-owned subsidiary of Clearwire, copies of this request for waiver are not being served on them separately.

confirm what was operating on the 2.5 GHz spectrum within the BTA, and found that these pre-Transition facilities remain operational, over one year beyond the required shut-down. The shut-down of pre-Transition operations on Station WGW371 is the sole impediment to completion of Transition in the Greensboro-Winston/Salem-High Point, NC and Roanoke BTAs.

Although Clearwire had discussions with Unison in early summer, at which time Unison indicated that it would get back to Clearwire with further information about the shut down, the licensee had, until very recently, ignored all subsequent attempts at contact. Clearwire had attempted to contact the licensee for WGW371 on numerous occasions and had repeatedly gotten no response, thus Clearwire has been unable to ascertain why these facilities remain operational. This week, Clearwire had discussions with Unison's counsel, who has indicated that it has sent a letter to its' Lessee, DBC, requiring that the facilities either be transitioned to the new band plan or shut down by October 17 (a copy of that letter is attached hereto). However, until Clearwire can obtain confirmation that the shut-down has occurred, it cannot complete the Transition of the markets, or file its Transition Completion notice. Clearwire continues its efforts to confirm that the pre-transition operations of WGW371 have been shut down, and is currently making arrangements to again send personnel to the area next week to confirm that it has occurred. Since Clearwire cannot unilaterally shut down the facilities of a BRS licensee, it is hereby respectfully requesting an additional two weeks in which to confirm that Unison and DBC have taken the required steps to shut down the pre-Transition operations of WGW371 and to file its Transition Completion notice.

If there are any questions, please contact the undersigned at (202) 330-4011 or at nadja.sodoswallace@clearwire.com.

Sincerely,


Nadja S. Sodos-Wallace

cc (enc):John Schauble
Lynn Ratnavale
Consuela Kearney

Communications Ventures, Inc.
Ntelos Licenses Inc.
Nextel Spectrum Acquisition Corp.
Unison Spectrum, LLC
The University Of North Carolina General Administration
North Carolina Agricultural & Technical State University
Blue Ridge Public Television
Winston-Salem State University
The Salem City School Board
The School Board of Roanoke County, Virginia
The Botetourt County School Board
Virginia Polytechnic Institute & State University
School Board Of The City Of Roanoke

Guilford Technical Community College
Davidson County Community College
Guilford County Schools
Forsyth Technical Community College
University Of North Carolina Center For Public Television
North Carolina School Of The Arts
Digital Broadcast Corporation



3450 Fawn Wood Lane • Fairfax, VA 22033

VIA EXPRESS MAIL

October 15, 2008

Digital Broadcast Corporation
Attn: Gary Nerlinger
2207 Concord Pike, #619
Wilmington, DE 19803

Re: **Transition Requirement Notice**
BRS Long Term De Facto Lease Agreement (WGW371)

Dear Gary,

As you are aware, Clearwire was designated as the Proponent for the transition of the above captioned BRS license to the Commission's new band plan pursuant to Section 21.1231 of its Rules. The transition of license WGW371 is included in Transition Area: BTA 174: Greensboro-Winston/Salem-High Point, NC which includes facilities within BTA 376: Roanoke, VA. The designation of Clearwire as the Proponent for these transition areas was announced by the Commission on February 2007 by public Notice, DA 07-607.

This transition will be completed October 17, 2008. As the lessee of license WGW371 through a BRS Long Term De Facto lease Agreement, Digital Broadcast Corporation must be in compliance with the transition plan.

Digital Broadcast Corporation needs to be in compliance with all FCC rules regarding the operation of this license pursuant to the transition. If you are not in compliance by October 17, 2008, you must shut down any operations on the old frequencies until you can be in full compliance with the transition.

Regards,

A handwritten signature in black ink, appearing to read "T. Lawler", is written over the word "Regards,".

Todd M. Lawler
President

Copies to: Gary Nerlinger
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Salem, VA 24153

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